

MARCH 13, 1816.

Read twice and committed to a committee of the whole House
on Monday next.

A Bill

Further to extend the Judicial System of the United States.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America, in Congress assembled, That*
3 *the circuit courts of the United States, shall have original cog-*
4 *nizance of all actions, suits, controversies, cases, matters, and*
5 *things, of whatsoever nature, which are cognizable by the ju-*
6 *dicial authority of the United States under the constitution,*
7 *saving only such cases where exclusive original jurisdiction is,*
8 *by the constitution, given to the supreme court, or by statute,*
9 *to the district courts of the United States.*

1 *SEC. 2. And be it further enacted, That where any action or*
2 *suit at common law or in equity, shall be brought in any State*
3 *court, concerning any matters or things, or between parties,*
4 *whereof the judicial authority of the United States hath cog-*

5 nization by the constitution ; on the final judgment, decree, or
6 decision in such action in the highest court of law or equity in
7 such State, a writ of error or appeal as the case may require,
8 shall be in favour of the party against whom such judgment,
9 decree, or decision is rendered, to the supreme court of the
10 United States, who may thereupon re-examine and reverse
11 or affirm such final judgment, decree, or decision, and further
12 adjudge therein, in the same manner as in causes removed
13 from the circuit courts of the United States, by writ of error
14 or appeal ; and where the judgments of the said supreme court
15 in such actions or suits are final, may proceed to execute the
16 same accordingly.

1 SEC. 3. *And be it further enacted,* That the supreme court
2 of the United States shall have appellate jurisdiction from all
3 judgments and decrees of the circuit courts of the United
4 States, in civil actions or suits where the matter in dispute
5 exceeds the sum or value of two thousand dollars, exclusive of
6 costs, whether the same actions or suits were originally brought
7 in such circuit courts, or were removed there by writ of error
8 or appeal from the district courts.

1 SEC. 4. *And be it further enacted,* That in all cases of admi-
2 ralty and maritime jurisdiction, including causes of prize, the
3 form of process and the taking of evidence, and all other pro-
4 ceedings, shall be according to the course and practice of ad-

5 miralty and prize courts, as contradistinguished from courts of
6 common law: *Provided however*, That the several courts of
7 the United States shall continue to have full power to alter and
8 amend and regulate the same. And upon appeals to the su-
9 preme court no new evidence shall be admitted in such causes,
10 saving and excepting where said court shall direct further
11 proof.

1 SEC. 5. *And be it further enacted*, That in all causes of ad-
2 miralty and maritime jurisdiction, the respective judges of the
3 courts of the United States before whom any such causes are
4 depending, may, in vacation, as well before as after the return
5 term thereof, make all interlocutory orders as to filing claims,
6 stipulations, appraisements, and delivery of property on bail,
7 and other proceedings preparatory to the final hearing of the
8 same causes, in as full and ample a manner, and with the same
9 effect, as if the same were had, done, or transacted in term, and
10 in like manner in causes at common law and in equity depend-
11 ing in their courts, the respective judges of the courts of the
12 United States may, in vacation, as well before as after the re-
13 turn term, make any interlocutory orders as to the process, bail,
14 pleadings, and other matters and things preparatory to the final
15 hearing of such causes, according to the practice and usage of
16 courts of common law and equity, in as full and ample a man-
17 ner, and with the same effect, as if the same were had, done.
18 and transacted in term.

1 SEC. 6. *And be it further enacted,* That the several courts of
 2 the United States, in term, or any judge thereof, in vacation,
 3 shall have full power to grant writs of habeas corpus in all
 4 cases warranted by the usages of law, and cognizable by the
 5 judicial authority of the United States: *Provided however,*
 6 That in no case shall the party be discharged upon any such
 7 writ by said court, or by any judge thereof, where he shall be
 8 in custody under the process of any State court or State ma-
 9 gistrate, and shall not be exempted from arrest or confinement
 10 thereon by the laws of the United States.

1 SEC. 7. *And be it further enacted,* That whenever any sei-
 2 zures shall be made by any officer of the United States, under
 3 colour of his office, the validity and legality of such seizure shall
 4 be exclusively cognizable and determinable in the proper court
 5 of the United States having cognizance thereof; and the party
 6 or parties aggrieved thereby may and shall have full remedy
 7 in such courts for all damages sustained by such seizures,
 8 whenever the same shall be without reasonable cause.

1 SEC. 8. *And be it further enacted,* That wherever, in cases
 2 cognizable by the courts of the United States, the parties de-
 3 fendant in any suit, action, libel, or bill in equity, are citizens
 4 of, or resident in different States, such suit, action, libel, or bill,
 5 may be brought in any district where either of the parties de-
 6 fendant dwelleth or hath his home; and the proper process

7 may be served on all the other parties wheresoever they dwell
8 or may be found.

1 SEC. 9. *And be it further enacted,* That the judges of the
2 courts of the United States may, in vacation, order a return of
3 juries from time to time, from such parts of the State or dis-
4 trict as they shall in their discretion deem meet, in the same
5 manner as they are now authorized to do by law in term ; and
6 for the trial of commercial and other civil causes of great im-
7 portance or difficulty, the courts of the United States may, in
8 their discretion, upon the motion of either party, authorize a
9 jury to be struck from the panel of the jurymen so designated
10 and returned to attend the courts, or may authorize the marshal
11 or some other disinterested person to summon a special jury
12 upon such terms and under such regulations as to the courts
13 shall seem reasonable.

1 SEC. 10. *And be it further enacted,* That the respective judges
2 of the courts of the United States, and other magistrates hav-
3 ing competent authority in this behalf, on all complaints for
4 crimes against the United States, pending before them, upon
5 which the defendant or defendants may be imprisoned or bail-
6 ed for trial before the proper court of the United States, may in
7 their discretion require from any witness in behalf of the Unit-
8 ed States, on pain of imprisonment, a reasonable recognizance,
9 with surety or sureties for the appearance of such witness to

10 give testimony before such court, where, from the circum-
 11 stances of the case, or otherwise, it shall appear to such judge
 12 or magistrate that the testimony of such witness may other-
 13 wise be lost.

1 **SEC. 11.** *And be it further enacted,* That all crimes and of-
 2 fences committed upon the high seas, or elsewhere, within the
 3 admiralty and maritime jurisdiction of the United States ; and all
 4 crimes and offences committed in any fort, arsenal, dockyard, or
 5 other places whereof jurisdiction is or shall be ceded to the Unit-
 6 ed States, and all other crimes and offences committed against
 7 the United States, and cognizable by the judicial power thereof,
 8 shall, where no other punishment is prescribed by statute, be
 9 punishable by the proper court of the United States, on con-
 10 viction, by fine not exceeding one thousand dollars, and impris-
 11 sonment not exceeding one year, or by either fine or imprison-
 12 ment, according the nature and aggravation thereof.

1 **SEC. 12.** *And be further enacted,* That if any suit shall be
 2 commenced in any State court, in any case to which the judicial
 3 power of the United States does by the constitution extend, and
 4 the party or parties, defendant in any such suit shall, at any time
 5 before issue joined in such State court, file a petition support-
 6 ed as to the facts by his or their affidavits, if the court require,
 7 for the removal of the cause for trial into the next circuit court
 8 to be held in the district where the suit is pending, or if in the

9 district of Maine or Louisiana, to the district court next to be
10 holden therein, and offer good and sufficient surety for his or
11 their entering in such court on the first day of its session, copies
12 of said process against him or them, and also for his or their ap-
13 pearing and entering in such court special bail in the cause, if
14 special bail be requisite therein, it shall be the duty of the State
15 court to accept the surety and proceed no further in the cause ;
16 and any bail that may originally have been taken shall be dis-
17 charged, and the said copies being entered as aforesaid in such
18 court of the United States, the cause shall then proceed in the
19 same manner as if it had been brought there by original process.
20 And any attachment of the goods or estate of the party or par-
21 ties defendant by the original process, shall hold the goods or
22 estate so attached, to answer the final judgment in the same
23 manner as by the laws of the State they would have been
24 holden to answer final judgment had it been rendered by the
25 court in which such suit commenced. And if the party or
26 parties defendant so removing such suit, shall not at the trial
27 thereof in such court of the United States, prove that such suit
28 is a case to which the judicial power of the United States does
29 by the constitution extend, the cause shall be remanded to the
30 State court, to be proceeded therein in the same manner as if
31 the same had not been removed. And in all suits so removed
32 as aforesaid, and not remanded, the circuit court shall, after
33 final judgment, proceed to execute the same according to law.

1 SEC. 13. *And be it further enacted,* That whenever, upon
2 any indictment, information, or other criminal prosecution, in
3 any State court, the party defendant shall set up in his de-
4 fence under the general issue or otherwise, any right, autho-
5 rity, or duty claimed and exercised by virtue of the constitu-
6 tion, treaties, or laws of the United States, and the decision
7 of the court before which the same shall be pending shall be
8 against the validity of such right, authority, or duty, if the
9 same shall not otherwise fully appear of record, the party de-
10 fendant shall be entitled to file his bill of exceptions to such
11 decision at any time before judgment rendered thereon; and
12 such bill of exceptions being found true, shall be signed and
13 acknowledged by the same court, or by the presiding judge
14 thereof, and recorded among the records of the court: and in
15 every case where it shall appear of record that the court shall
16 have decided against the validity of such right, authority, or
17 duty, a writ of error shall lie from the judgment rendered on
18 said indictment, information, or other prosecution, to the su-
19 preme court of the United States at any time within five years
20 after the rendition of such judgment; and said court shall
21 have full authority to judge therein, and to affirm or reverse
22 the same, as justice and law shall require. *Provided, however,*
23 That no writ of error shall operate as a stay of execution of
24 such judgment unless the party defendant, during the same
25 term in which judgment shall be passed, shall enter into a

26 recognizance in such State court in a reasonable sum, with
27 good and sufficient sureties, to sue forth such writs of
28 error within thirty days after such recognizance shall be
29 acknowledged returnable to the next term of the supreme
30 court of the United States, which shall be holden after sixty
31 days from the time of the rendition of such judgment, and to
32 prosecute the same writ to effect and to abide the final judg-
33 ment and decision of the court rendered thereon; and in de-
34 fault thereof, that such recognizance shall be forfeited. And
35 in case such judgment shall be affirmed, the supreme court
36 shall award reasonable costs against the plaintiff in error, and
36 shall remand the cause to the State court for execution, ac-
37 cording to the original judgment.